

# BID SOLICITATION

Page 1 of 1  
Printed: 5/1/2006



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
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PROVIDENCE RI 02903

**BID NUMBER: B06314**  
**TITLE: PRINTING 2005 ANNUAL REPORT**  
**BID OPENING DATE AND TIME:**  
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Requisition Number(s): R66A069879

Item	Class-Item	Quantity	Unit	Unit Price	Total
1.0	700-57 LAYOUT AND PRINTING OF 2005 ANNUAL REPORT FOR THE DEPARTMENT OF ATTORNEY GENERAL.  SAMPLE OF 2005 ANNUAL REPORT AND SPECIFICATIONS ARE ATTACHED.  CONTACT PERSON: WILLIAM MASSE (401) 274-4400, EXT. 2216	400.00	EA		
				TOTAL:	

It is the Vendor's responsibility to check and download any and all addenda from the RIVIP. This offer may not be considered unless a signed RIVIP generated Bidder Certification Cover Form is attached and the Unit Price column is completed. The signed Certification Cover Form must be attached to the front of the offer. When delivering offers in person to One Capitol Hill, vendors are advised to allow at least one hour additional time for clearance through security checkpoints.

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**USE CERTIFICATION COVER FORM.**

<sup>2005</sup>  
Sample of ~~2004~~ report attached for reference

**Pre-Print**  
**Development**

- From supplied copy and images, organize and lay out content of 32-page (including covers) document.
- Create two design concepts for covers and inside pages.
- Implement design throughout report.

**Layout & Design**

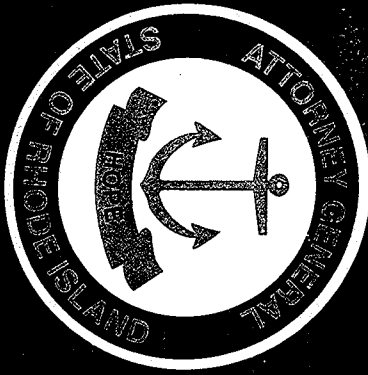
- Lay out text, charts, and images according to design concept; scan in photographic images (approx. 20-25); create tables and charts; provide "mocked up" copy for client; make tweaks and minor text changes; and provide second complete "mock up" for client's final review. Entails typesetting, formatting, coordinating, and supervising Department's major yearly publication.

**Finished Artwork**

- Provide finished layout of all pages/sections of Annual Report in electronic format (on disk) to printer.
- Work with printer as necessary to ensure required specifications are followed.

<sup>2005</sup>  
**Printing**    Sample of ~~2004~~ report attached for reference

Description:	Annual Report/32 pages including covers
Size:	8½" x 11" (horizontal format)
Pre-Press:	Disk supplied from pre-print vendor
Proofs:	Color
Ink:	Cover: 2C + Varnishes/1C Text: 1C/1C
Stock:	Cover: 80# cover matte Text: 80# text matte
Finishing:	Score, fold, collate, stitch (saddle-stitch) & trim
Packing:	Bulk/Cartons
Delivery:	As required
Quantity:	400



# 2004 ANNUAL REPORT

DEPARTMENT OF  
ATTORNEY GENERAL

PATRICK C. LYNCH  
*Attorney General*

## TABLE OF CONTENTS

3 Letter from Attorney General Patrick C. Lynch
4 Executive & Administrative Divisions-Deputy Attorney General, Director of Executive Operations, Administration Division, Operations Unit
5 Information Technology Unit, Personnel Unit
6 Policy & Legislation Unit
7 Bureau of Criminal Identification (BCI)
9 Civil Division-Overview, Government Litigation Unit
10 Anti-Trust Unit
11 Charitable Trust Unit
12 Consumer Protection Unit
13 Environmental Advocacy Unit, Health Care Advocate
14 Health Care Advocate (continued), Insurance Advocacy Unit
15 Insurance Advocacy Unit (continued), Open Government Unit
16 Public Utilities Unit
17 Criminal Division-Overview
18 Criminal Division Overview (continued)
19 Adult Diversion Unit, Appellate Unit
20 Community Prosecution Unit
21 District Court Unit, Domestic Violence/Sexual Assault Unit (DVS AU)
22 DVS AU (continued), Intake Unit
23 Juvenile Prosecution Unit
24 Medicaid Fraud & Patient Abuse Unit
25 Narcotics & Organized Crime Unit
26 2004 Asset Forfeiture Statistics, Victim Services Unit
27 Statewide Superior Court case statistics

FOR EVERY \$1 FUNDED		\$5.52 SAVED OR GENERATED, DIRECTLY OR INDIRECTLY,	
Action	Money Saved or Generated		
Obtained R.I.'s payments from MSA with tobacco industry (see Page 13 for details)	\$43 million generated		
Defended Department of Corrections in <i>Saward v. State of Rhode Island</i> (see Page 9 for details)	\$36 million saved		
Advocated for rate payers in 15 rate filings (see Page 14 for details)	\$7.5 million saved		
Offered bill that corrected defect in MSA, closing loophole that cost State \$4.4 million in revenue lost in 2003 (see Page 6 for details)	\$4.4 million generated		
Protected charitable assets in R.I. (see Page 11 for details)	\$3.8 million saved		
Secured restitution through enforcing federal antitrust laws (see Page 10 for details)	\$2.1 million generated		
Secured provider overpayments to Medicaid and settlement money from pharmaceutical litigation (see Page 24 for details)	\$2 million saved & generated		
Recovered asset forfeiture funds in cash and property (see Page 26 for details)	\$1.2 million generated		
Negotiated consumer settlements in lawsuits against pharmaceutical companies (see Page 13 for details)	\$533,000 generated		
Resolved consumer complaints, resulting in monies recovered for consumers (see Page 12 for details)	\$254,364 recovered		
Collected restitution for victims of crime through Adult Diversion Unit (see Page 19 for details)	\$156,156 generated		
<b>TOTAL AMOUNT SAVED OR GENERATED:</b>			<b>\$100,949,520</b>
<b>TOTAL RIDAG BUDGET FOR FY 2004:</b>			<b>\$18.3 million</b>

## PERSEVERANCE IS A POWERFUL WEAPON

Dear Rhode Islanders,

Rhode Island is one of only three states in the country whose Attorney General is the chief legal officer for both criminal and civil matters. In other words, the Office that you have entrusted me with leading serves as both the District Attorney and the people's lawyer here in the Ocean State.

Perhaps understandably, our work as the State's prosecutor seems to attract the most attention and scrutiny, day in and day out. We prosecute thousands of cases annually in courthouses throughout Rhode Island. Unfortunately, some involve criminals whose violence causes such harm and mayhem that it shocks us—and makes headlines. In these cases and, indeed, in all the cases that we screen and charge and try, we prosecute as aggressively as we can in the hope that the resulting penalty paid will deter other would-be offenders from threatening our safety and quality of life.

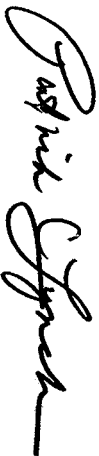
It is in our collective capacity as your lawyer, however, that we can contribute the most to protecting your quality of life. Our Civil Division's Government Litigation Unit defends the State in civil lawsuits for damages. Every time we defeat or reduce a claim, we save you hard-earned tax dollars. In one case alone in 2004, our spirited defense of a Department of Corrections policy saved taxpayers \$36 million. Through vigorous law-enforcement efforts, our Antitrust Unit helped keep the playing field level for all Rhode Island businesses and, for the fifth year in a row, increased our level of restitution returned to consumers. Last year's restitution from antitrust cases topped \$2 million. Our Consumer Protection Unit helped 16,600 consumers in need and recovered more than \$250,000 for individual Rhode Islanders. Consumer Protection investigators forced rogue contractors to make good on home-improvement projects promised, persuaded a restaurant owner into honoring gift certificates purchased before he bought the restaurant, and stopped a piano repairman from scanning any more unsuspecting consumers than he'd already scanned.

As well, our Insurance Advocacy Unit represented the rights of ratepayers at 15 rate filings before the Department of Business Regulation and saved Rhode Island consumers and businesses more than \$7.5 million in base premiums. Finally, in addition to protecting the public interest by securing nearly \$1 million in settlements from pharmaceutical litigation, our Health Care Advocate obtained nearly \$45 million for the State coffers by enforcing the Master Settlement Agreement (MSA) with Big Tobacco. And make no mistake about it: Rhode Island's budget woes of 2004, and the program cuts those troubles caused, would have been felt far more deeply without the MSA money we secured.

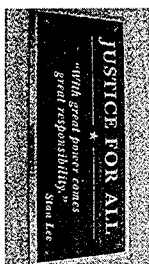
Whatever our mission last year—whether prosecuting felons or representing you in any number of civil arenas—we carried it out to the very best of our ability. Nothing typified this determination more than a criminal case handled by one of our senior prosecutors. It took three trials, which, over the course of six years, comprised 31 days in court. But after the third trial, in December of 2004, we earned a "guilty" verdict in the State's case against a Providence man who had killed one man, and shot and seriously injured another, over the sale of a dirt bike. The defendant is now serving 50 years at the ACI for his crimes.

Perseverance is a powerful weapon in pursuing justice. Thank you for the opportunity you have given me to lead the office of Attorney General. I promise you that we will continue to persevere, and push our hardest to protect your interests, in 2005.

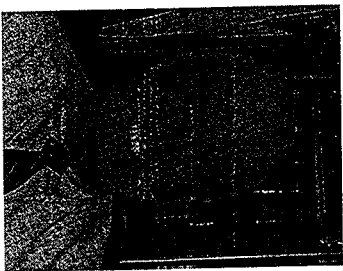
Sincerely,



Patrick C. Lynch  
Attorney General



## DEPUTY ATTORNEY GENERAL



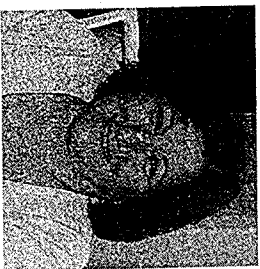
Deputy Attorney General  
Gerald J. Coyne

Deputy Attorney General Gerald J. Coyne serves as the principal advisor to the Attorney General on all legal and administrative matters. The Deputy Attorney General also advises and assists the Attorney General in formulating and implementing departmental policies and programs, as well as providing overall supervision to all units and divisions within the Department.

In addition to managing the day-to-day operations of the office, Deputy Attorney General Coyne is a member of the Select Commission on Race and Police Community Relations, the State Crime Laboratory Commission, and the Rhode Island Supreme Court's Committee on Character and Fitness. He continues to work with law enforcement agencies to address issues related to racial profiling and bias-based policing, and to draft statewide model policies for high-speed pursuits and use of force.

He has continued to handle litigation including a domestic violence-related homicide, on-duty robberies by a police officer, and civil litigation arising from the state's first study to examine racial profiling in traffic stops.

## DIRECTOR OF EXECUTIVE OPERATIONS



Ani Haroian  
Director of Executive Operations

Ani Haroian is the Director of Executive Operations for the Rhode Island Department of Attorney General. She coordinates the Attorney General's policy objectives with the Department's Public Information Officers, oversees scheduling, and organizes and executes the handling of many special projects, both internally and externally. In addition, she coordinates community outreach for the Attorney General, creating positive and productive interactions between the Department and various elements of the community. She continues to work to build relationships with seniors, ethnic groups, and minority groups. Ani began her career with the Attorney General's Office in 1999 as Director of the Consumer Protection Unit, and has also served as the Department's Director of Personnel.

## ADMINISTRATION DIVISION

The Administration Division, responsible for the overall operations of the Department, consists of the Personnel Unit, Information Technology Unit, Operations Unit, and the Fiscal Office. The Administration Division oversees the finances of the Department, prepares and submits the Department's annual budget, and lobbies for the resources necessary for the efficient operation of the Department. The total budget for the Department of Attorney General for fiscal year 2004 was \$18.3 million dollars. It consisted of 88 percent in state funding, 8 percent in federal grants, and 4 percent in restricted receipts. Attorney General Lynch continues to make it a priority to bring in more money to the State of Rhode Island by way of restitution, forfeitures, settlements, reimbursements, fines, and the collection of fees. (See

Page 2 for detailed information on how Lynch is making good on this goal.)

### Operations Unit

The Operations Unit is responsible for the upkeep and maintenance of the Department's main location at 150 South Main Street, Providence. The unit also works with the Operations Division of the Supreme Court in matters relating to the Department's four satellite offices located within the four county courthouses throughout the state.

## ADMINISTRATION DIVISION (CONTINUED)

The unit handles purchasing, the disbursement of supplies, and the switchboard and mail operations. The unit is also responsible for the maintenance of eight vehicles and repairs to office equipment and furnishings.

In addition to the everyday responsibilities and facility upkeep in 2004, the Operations Unit completed the following projects at 150 South Main Street: replacement of the parking lot, removal of the old boiler and HVAC equipment, and restructuring and renovation of the lower-level work space. Specifications were developed for a new Criminal Division filing system as well as for carpeting replacement throughout the main office. The file system's reorganization was awarded and, as of this printing, was half completed. The Operations Unit also restructured the Department's office space in the Providence County Superior Courthouse, located at 250 Benefit Street.

### Information Technology Unit

The Information Technology Unit (IT) is responsible for the purchase, maintenance, and repair of computers and telecommunications equipment within the Providence, Kent, Newport, and Washington County offices. IT provides training, application, and infrastructure support throughout the enterprise. Employees working in the county offices are joined with the Providence network via the Wide Area Network, enabling users to share files, databases, and access e-mail. **IT continues to use all available technology to support and propel the myriad functions of the Department.**

Some milestones that occurred in the past year include the following:

- Deployed a new server with enhanced speed and backup capabilities to better serve users of critical files within the organization.
- Instituted a "hot backup" system in which changes to files are immediately replicated to an offsite server via fiber-optic lines. This server also acts as a disaster recovery solution in the event that employees have to work off-site. This solution complements the usual off-site backup solution.
- Assisted in deploying a new IAFIS (Integrated Automatic Fingerprint Identification System) in which fingerprints/charges entered by local police departments are entered into the criminal history database as well as FBI databases.

- Upgraded the telephone system, including core and voicemail systems.
- Assisted in the technical deployment of a new file tracking system.
- Deployed an Intrusion Detection System on the computer network.
- Helped develop and deploy new multi-purpose audio-video carts used for multimedia courtroom presentations.

### Personnel Unit

The Personnel Unit works with the Office of Attorney's General senior management to hire, orient, and manage a skilled, trained, and diverse workforce. The unit screens, tests, interviews, and evaluates staff applicants and oversees payroll, salary administration, and personnel file management. The Personnel Unit also coordinates all employee benefits, including pension benefits, health, life and dental insurance, and vacation and sick time allowances. Additionally, the unit monitors compliance with state regulations, state and federal laws relating to the unclassified service, and state and federal EEO and Affirmative Actions requirements.

In 2004, the Department budget provided for 228.8 full-time equivalent positions.

Administration Division	23.6 employees
Criminal Division	147.2 employees
Civil Division	44 employees
BCI	14 employees

**The Department is committed to maintaining a diverse workforce. As of December 2004, minorities constituted 13.1 percent of the staff and females 55.9 percent.**

Finally, the Personnel Unit manages the Department's Scholastic Internship Program. In 2004, there were 111 participants. The program is a valuable on-site learning experience for the students as well as a critical staffing resource for the Department, whose employees annually log close to 30,000 hours of uncompensated overtime for the people of Rhode Island.

## POLICY AND LEGISLATION



Chief of Staff and Policy Chief  
Leonard Lopes

In 2004 the Policy and Legislation Unit assisted the Office of Attorney General in shaping policies and laws in the criminal justice system. This unit handled all legislative matters before the Rhode Island General Assembly and served as the office's liaison to local, state, and federal governments. Additionally, the policy unit was the office's primary point of contact for community groups throughout the state. Unit members served on numerous boards and commissions, and coordinated outreach and educational efforts. Continuing a program it instituted in 2003, the policy unit helped coordinate the Attorney General's weekly school visits along with the office's Crime Prevention Specialist. This culminated with a summertime event at which the Attorney General hosted nearly 200 Rhode Island children at a cook-out, then chaperoned the group to the premier of *Spider-Man 2* at the Providence Place mall.

The Policy Unit also worked with the Rhode Island Police Chiefs Association to enhance public safety and criminal prosecutions. In conjunction with Mothers Against Drunk Driving, law enforcement, and the state MHRH, the unit continued its work on the Attorney General's Drunk Driving Task Force and participated in underage-drinking policy and prevention programs.

### Legislative Initiatives

The unit assisted state legislators in the research, development, drafting, and passage of a number of bills, including the expansion of Rhode Island's DNA databank to incorporate all felonies; misdemeanor criminal statutes and mandatory restitution for defacing veterans' monuments or memorials; and protecting children from indecent and illicit solicitation via the Internet. **In continuing its focus on policies, programs, and legislation that aimed to fulfill Attorney General Lynch's mission of improving the quality of life of all Rhode Islanders, the unit helped enact the following bills:**

#### **Criminal Negligence: 2004 P.L. Chapter 194, 204**

Enacted in response to The Station nightclub fire, this law states that any person whose criminal negligence proximately causes bodily injury of another shall be guilty of criminally negligent battery, a felony. A conviction would carry with it a sentence of imprisonment of up to 10 years and a fine of up to \$10,000.

#### **Search Warrants: 2004 P.L. Chapter 441, 493**

This bill responded to the Rhode Island Supreme Court's *Deannus* ruling that an individual's blood, saliva, hair, body tissues, body fluids, and dental impressions cannot be collected with a search warrant. This decision effectively barred the use of DNA in investigations and prosecutions. This bill addresses the problem by allowing law enforcement to request a search warrant to be issued by the court in order to collect this evidence, further protecting the citizens of Rhode Island and increasing law enforcement's ability to successfully determine perpetrators of crimes.

#### **Tuancy & Driver's Licenses: 2004 P.L. Chapter 105, 167**

This act provides that minors found to be delinquent, wayward, or habitual truants may have their licenses revoked or suspended in family court. This act connected school attendance rates with a teenager's right to obtain or maintain a driver's license. Essentially, the intent is, if a student is consistently absent from school, that student will not be eligible for a driver's license or will have his or her license revoked. Research and information from states with similar laws show that this type of statute reduces truancy and raises graduation rates.

#### **Video Voyeurism: 2004 P.L. Chapter 202, 206**

This bill criminalizes the use or installation of an imaging device in order to record, store, or transmit images of a person's intimate areas—without that person's knowledge and consent—and in circumstances when that person has a reasonable expectation of privacy.

#### **Grand Jury Testimony: 2004 P.L. Chapter 105, 385**

This bill raises the minimum age from 13 to 14 for children to be able to testify before a grand jury through a video recording about an alleged sexual assault crime against them. Before the passage of this law, there were inconsistencies regarding the age at which an adolescent could be required to personally testify before a grand jury.

#### **Tobacco Allocable Shares: 2004 P.L. Chapter 382, 461**

This bill corrects a defect in the 1999–2000 Master Settlement Agreement whereby nonparticipating tobacco manufacturers could avoid paying into the Rhode Island Master Tobacco Settlement Account their fair share of monies. In 2003 alone, the amount of lost revenue due to this loophole was \$4.4 million.

#### **Power Line Burial: 2004 P.L. Chapter 332**

This law mandates the underground burial of high-voltage power lines running from the Manchester Street Station in Providence to East Providence. It also provided for the funding of this important project, which preserves open space, scenic views, and further enhances the economic revitalization of Providence and East Providence.

#### **Gift Certificates: 2004 P.L. Chapter 541, 548**

This law guarantees the end of all expiration and maintenance fees on gift certificates and gift cards issued in Rhode Island. It stipulates that any unused portion of the certificate above \$1 is required to be reissued while any remaining balance below \$1 shall be returned in cash. **On an annual scale, last year American consumers spent \$36 billion on gift certificates and gift cards. Of that, \$4 billion was lost due to expirations and maintenance fees.**

#### **Price Gouging In State of Emergency: 2004 P.L. Chapter 64, 83**

This bill prohibits companies from raising prices on necessities if a shortage has been declared, prior to, during, or immediately after a declared state of emergency.



## BUREAU OF CRIMINAL IDENTIFICATION



BCI Chief William Devine

The Bureau of Criminal Identification (BCI) serves as the central repository and clearinghouse for all descriptive and demographic information on individuals arrested and convicted of crimes in Rhode Island. As Rhode Island's criminal history database, BCI maintains the records of nearly 340,000 individuals. These records are based on fingerprints containing identification segments obtained by local and state law enforcement agencies that are forwarded to the BCI office by mail or electronic transfer. Of vital concern to those relying on the records maintained by the BCI is the quality of the data contained in the system. The completeness, timeliness, accuracy, and readability of all records maintained must be, and is, BCI's highest priority.

In the administration of Attorney General Lynch, BCI has acquired an upgraded Integrated Automated Fingerprint Identification System (IAFIS), streamlining the process of transmitting fingerprints to the BCI from the local police departments. BCI, in turn, electronically transmits those fingerprints to the FBI, where they are checked against a national database of more than 45 million prints. In April 2004, the FBI ranked Rhode Island #3 in the nation based on the speed in which fingerprints of individuals placed under arrest are electronically transmitted.

### Arrest Fingerprint Cards/Dispositions

The foundation of the criminal history system in the State of Rhode Island is the fingerprint card—the most dynamic means of positive identification readily available. Rhode Island law requires police departments to promptly furnish the Attorney General's office with fingerprints and descriptions of all persons arrested, excluding those charged with violations of city or town ordinances or similar minor offenses. Upon receiving fingerprint cards from law enforcement agencies, BCI personnel examine the cards were examined for proper quality prior to inclusion in the BCI database and submission to the FBI. Disposition information received from prosecutors at the Attorney General's Office is entered into the system.

### Pistol and Revolver Permits

Rhode Island statutes empower the Attorney General to issue a license or permit to state residents, 21 years of age or older, to carry a pistol or revolver, whether concealed or not, upon a proper showing of need. In assessing the need of an applicant to carry a pistol or revolver, the Department also considers the issuance of a restricted permit for specified purposes. Currently there are approximately 4,700 active pistol permits in Rhode Island. During calendar year 2004, BCI staff processed a total of 584 pistol and revolver permit applications, of which 372 were new applications and 262 were renewals. Ninety-seven percent of new applications were approved, while 84 percent of renewal applications were approved.

### Criminal Record Requests

One of BCI's major functions is to respond to those requesting criminal history checks. Due to increased security measures in both the private and public sectors, the need for employment background checks continues to rise. On average, personnel at the BCI window in Providence served more than 125 people every day, Monday through Friday. In addition, in 2004 BCI personnel responded to an average of 100 daily fax requests, as well as approximately 75,000 requests received by mail and telephone.

### Restraining Orders/No Contact Orders

Rhode Island law specifies that all domestic violence and sexual assault protective orders must be filed in the Restraining Order/No Contact Order (RONCO) system located within the Attorney General's BCI. Orders generated by the District, Superior and Family courts, police departments, and bail commissioners must be filed upon issuance by faxing or delivering such orders to the BCI Office no later than the end of the day they were issued. Modifications and terminations of such orders must also be forwarded to BCI and entered by the end of each day. In 2004 BCI staff entered 3,301 temporary restraining orders/restraining orders and 5,325 no contact orders into the database.

## BUREAU OF CRIMINAL IDENTIFICATION, CONTINUED

**Warrant Tracking**

Since converting to a paperless warrant system, the courts and police departments enter their warrants into the Rhode Island Law Enforcement Telecommunications System (RILETS). Warrants for those wanted outside the State of Rhode Island (New England area or nationwide) must be entered manually by BCI personnel. On occasion, local warrants must be upgraded as additional information is received on the wanted individual, or the warrant is extended from "RI only" to New England or nationwide. These warrants must be tracked daily. In 2004, BCI personnel entered 2,176 new warrants and canceled 1,533 warrants. In 2004, BCI detectives were also responsible for the arrest of 132 individuals.

**Nationwide Licensing and Employment Background Checks**

Rhode Island law mandates that individuals seeking employment or licensing in specified health-care or child-care fields must be subject to a nationwide criminal history background check. Pursuant to the statute, individuals seeking employment or licensing respond to their local or State law enforcement office, where they are fingerprinted. The cards are then forwarded to the BCI Office, where they are logged by the submitting agency, checked for quality, and forwarded to the FBI. The FBI conducts a nationwide records check and forwards a report to BCI as well as to the submitting law enforcement agency. During 2004, BCI personnel processed health-care/child-care national background checks on more than 6,249 individuals.

In July 2001, new legislation required that any person seeking employment with a private school or public school department who had not been previously employed by a private school or public school department in Rhode Island during the past 12 months undergo a national and State criminal background check. The law exempted employees hired

prior to August 1, 2002, and/or employees who had been continuously employed by a public school department in Rhode Island during the previous 12 months. This legislation also required that applicants respond to the Bureau of Criminal Identification instead of their local law enforcement agency. As a result, BCI personnel in Providence are responsible for handling all school applicants from every city and town. The process entails fingerprinting the applicant, processing a Rhode Island background check, and submitting the prints to the FBI for a national background check. Upon receipt of the information from the FBI, follow-up correspondence detailing a clean record or disqualifying information with the applicant's employer is further required. In 2004, the BCI Unit and local police departments processed 2,125 school applicant checks.

As well, BCI personnel entered approximately 11,300 expungements in 2004.



Among its many functions, the BCI Unit is on call 24 hours a day to respond to those requesting criminal background checks. BCI team members include, from left to right: Lynn Johnson, Jodi Martin, Roy Nardolillo, Roy Persson, Elaine Langella, Alondra Ginegasian, Omar Trappier, and Tanisha Dennis.

## CIVIL DIVISION OVERVIEW



Civil Division Chief Jim Lee

The Attorney General of Rhode Island is the state's chief legal officer for both criminal and civil matters. He is the sole officer charged with conducting the state's legal affairs and he represents the state in all legal proceedings. By law, the Attorney General represents the state, its agencies, and employees in the Rhode Island Supreme Court and all lower state courts; institutes actions in state and federal courts whenever warranted; ensures that representation is provided to state officers, employees, and agencies in all courts; advises state officers and agencies on legal issues; gives written opinions on legal issues when requested by an appropriate governmental officer; and represents the interests of the people.

The Civil Division of the Department of the Attorney General consists of 27 attorneys, plus 17 support staff, who work in one or more of the following units to assist the Attorney General in performing duties in the civil arena.

### Government Litigation Unit

The Government Litigation Unit represents the state and its agencies in defending and prosecuting State, District, Superior, and United States District Court litigation, and in appeals to state and federal appellate courts. It also serves as legal advisor to a broad range of state departments, agencies, boards, commissions, officers, and employees.

**In calendar year 2004, the unit opened 1,245 cases, up from 1,024 cases in 2003. It also closed out 881 cases, up from 760 cases in 2003.**

### Significant Cases

#### State of Rhode Island v. Lead Association

The Government Litigation Unit is directing the Attorney General's 10-count lawsuit against the Lead Industries Association and nine lead pigment manufacturers, seeking damages to compensate the State of Rhode Island for

lead-poisoning related health, education, and abatement costs. In addition to damages, the State seeks a lead-poisoning public education campaign and an order directing all defendants to detect and abate lead in Rhode Island homes, schools, hospitals, and other public and private buildings within the state that are accessible to children. The Attorney General was successful in defeating the defendants' efforts to dismiss the case. The first phase of the trial began on September 4, 2002, and ended in a hung jury. The retrial is expected to continue well into 2005.

#### Rhode Island v. United States (Migliore, Et Al.)

Defending the State's sovereignty against a substantial financial award by a federal administrative law judge, Rhode Island succeeded in having the federal court enjoin a federal administrative law judge's power to award damages against the State under the Eleventh Amendment. This was the first time a state has ever obtained such an injunction from a federal court. Soon after this decision, courts in Ohio, Florida, and Connecticut reached the same conclusion, in part, based on the research that the Government Litigation Unit forwarded to the states attorneys. The defendants in this case appealed and the State's attorneys won the appeal before the First Circuit Court of Appeals. The United States recently informed the parties that it will not intervene in this, or related actions.

#### Savard v. State of Rhode Island

This case involved the strip-searching of 18 pre-trial misdemeanor detainees being held at the A.C.I. Civil Division attorneys overcame a defeat in U.S. District Court by appealing to, and winning in, the U.S. First Circuit Court of Appeals in Boston in August 2003. Although the plaintiffs appealed to the U.S. Supreme Court, the court announced on January 13, 2004, that it had refused to hear the plaintiff's case. The Civil Division's spirited defense cleared the State Department of Corrections from a liability of more than \$35 million. (According to the plaintiff's lead lawyer, if the 18 plaintiffs had prevailed, each had planned to ask for damages of \$2 million.)



Mainstay of the Civil Division include, left to right: Richard Woolley, Rebecca Treford Partridge, Carol Collins, and Neil FX. Kelly

## ANTITRUST UNIT

The Antitrust Unit investigates complaints alleging violations of state and federal antitrust laws within Rhode Island. The Rhode Island Antitrust Act gives the Attorney General the statutory authority to bring suit against persons, corporations and other legal entities who or that are in violation of state or federal antitrust laws. The Antitrust Act was enacted in 1979 and applies to every type of economic activity having an impact on the trade or commerce of Rhode Island adequate to support the jurisdiction of the Superior Court.

For the fifth year in a row, the efforts of the Antitrust Unit resulted in an increase in the total amount of restitution paid into the state's general revenue fund or paid to individual Rhode Island consumers in the form of credit vouchers or merchandise. As a result, consumers and the State of Rhode Island received \$2,087,852 in cash, merchandise, or direct cash payments in 2004. The cases handled by the Antitrust Unit last year include:

### **State of Rhode Island, et als. v. SmithKline Beecham Corporation**

In this matter, the State alleged that the defendants obtained their patent protection for the brand name drug, Relafen, through fraud on the United States Patent and Trademark Office and unlawfully excluded generic competition through sham patent litigation against generic manufacturers, all in violation of Section 2 of the Sherman Anti-Trust Act and Rhode Island's antitrust and unfair competition laws. The sham litigation kept competitors from selling low-cost generic versions of Relafen.

### **State of Rhode Island, et als. v. The Hearst Corporation, The Hearst Trust and First DataBank**

In this matter, all 50 States and the District of Columbia joined an investigation that resulted in an agreement negotiated in April 2004 to complete the terms of a Settlement Agreement in Principle with Hearst Corporation/First DataBank. The investigation was based upon First DataBank's ("FDB") announcement of its acquisition of Medi-Span, Inc., which was a competitor in the field of electronic drug information databases used by pharmacists, other health care professionals, hospitals, health plans and governmental entities such as state Medicaid departments. This transaction placed The Hearst Corporation in a monopoly within the field of drug information databases. In April 2001, the Federal Trade Commission filed a complaint alleging that the merger gave Hearst an illegal monopoly in the market. Hearst reached a

settlement agreement with the FTC requiring Hearst to divest the former competitor and to pay \$19 million as a disgorgement of unlawful profits.

### **State of Rhode Island, et als. v. Organon USA Inc. and Akzo Nobel N.V.**

This was a multi-state matter in which Rhode Island and end-payors asserted that Organon violated Section 2 of the Sherman Anti-Trust Act and comparable state antitrust statutes by unlawfully maintaining its monopoly for mirtazapine-based prescription drug products in the United States. Mirtazapine is the active ingredient in Remeron, a popular brand-name antidepressant drug. Remeron is Organon's top-selling drug earning approximately \$550 million in annual sales since 1996 when the drug was first marketed. This antitrust litigation stems from Organon's improper listing of a patent in the Food and Drug Administration's publication commonly referred to as the Orange Book, as well as Organon's deliberate late listing of that patent within the book for the purpose of delaying the entry of generic competitors.

### **Compact Disc Minimum Price Litigation**

Attorney General Lynch joined other states' attorneys general in conducting an investigation among certain distributors of compact discs who had allegedly engaged in activities considered to be in violation of state and federal antitrust laws. As a result of the investigation, a settlement was reached between the parties. In addition to injunctive relief, the distributors agreed to not only make payments to individual consumers, but also to make an in-kind distribution of the discs to schools and libraries. In Rhode Island approximately 10,000 consumers received a total of approximately \$150,000 in direct payments. Schools and libraries throughout the state received compact discs totaling an approximate value of \$278,000.

### **State of Rhode Island, et als. v. Salton, Inc.**

The Plaintiff States, including Rhode Island, contended that Salton Inc., distributors of George Foreman Grills, had entered into price-fixing agreements with retailers and suspended the supply of certain grills to retailers who charged prices below the minimum set by Salton. The plaintiffs also alleged that Salton conditioned its sale of certain grills on retailers' refusal to stock non-Salton contact grills. The Attorneys General alleged that this conduct caused the prices of certain grills to be maintained at artificial, non-competitive levels. It was estimated that from January 1998 to September 2002 consumers paid overcharges totaling approximately \$33 million.

## CHARITABLE TRUST UNIT

The Department of Attorney General has the statutory and common law duty to protect charitable assets within the State of Rhode Island. The Charitable Trust Unit enforces statutes concerning the administration, operation, and disposition of Rhode Island charitable trusts. The unit maintains a publicly accessible database with the financial information of registered charitable trusts. The unit also responds to inquiries regarding charitable trusts from trustees, accountants, attorneys, charitable beneficiaries, and the general public.

Among the litigation matters concluded and pending in 2004 are the following:

**Trust Under Will of Susan Yose, The Washington Trust Company, Trustee v. Attorney General Patrick C. Lynch, The People's Mission, Inc. and VNS Homecare, Inc.** - A consent order was entered in Superior Court whereby the Trustee's complaint for cy pres was granted. The rights to the escrow account, which was accumulated from the undistributed disbursements to The People's Mission, and the underlying trust, was divided cy pres between VNS Homecare, the WARMS shelter and the Pawcatuck Neighborhood Center. The Trustee's attorney's fees and the fees of the guardians were payable, subject to court approval, from the interest of the approval of the attorney's fees. The matter was conferred with Judge Lamphier in Washington County, where the attorney's fees were reduced by \$6,046, resulting in additional funds to disperse to charity.

**Clair A. Bell and Bernard E. Bell v. Estate of Lillian Abrams, Attorney General Patrick C. Lynch, et. al.** - The decedent/settlor Lillian Abrams executed a trust and a new will in February 1999 that

divided most of her \$1 million in assets between various charitable organizations and a caretaker. Her daughter and son-in-law, Claire and Bernard Bell, sued. They alleged that Ms. Abrams did not have the necessary testamentary capacity to execute the trust and will and also alleged that the caretaker exercised undue influence. The trustees, Fleet Bank and Attorney Richard Gregory, hired counsel to represent the trust and the interests of the beneficiaries. Some of the charities also engaged counsel. There were bad feelings between Ms. Abrams and the Bells during her lifetime. The Attorney General's concern was that the majority of the trust not be wasted through excessive litigation. The parties agreed to mediation. The original demand from plaintiff's counsel was \$500,000. After six hours of meetings, the parties settled on \$200,000. This more than doubled the amount the individual charities would have received under the original demand and curtailed the litigation.

**In re: Trust under the Will of Wilton H. Spencer** - This was a Superior Court matter where the Trustee, Fleet National Bank, sought instructions as to whether the trust was terminated and the principal could be distributed to the Town of Barrington. The Attorney General's reading of the trust indicated that the trust had terminated. After numerous hearings and conferences in Superior Court, lasting several weeks, a resolution was reached in which \$1 million was disbursed to income beneficiaries and \$2.7 million was disbursed to the Town of Barrington. Therefore, the Attorney General was instrumental in protecting and forwarding \$2.7 million to a Rhode Island town for the benefit of its poor.

## CONSUMER PROTECTION

In 2004, approximately 16,600 consumers sought the unit's assistance. In addition to handling more than 14,384 telephone calls, the unit responded to 120 walk-ins, 1,935 mailed-in complaints, and 238 e-mail inquiries. Nearly 800 complaints were referred to other agencies.

The Consumer Protection Unit handled a high number of complaints involving landlord/tenant disputes, home improvement projects, identity theft, and banking matters. Of the complaints that were formally lodged, those involving debt collection, credit issues, telecommunications, and telemarketing scams ranked the highest. **The unit recovered more than \$250,000 on behalf of individual consumers.**

Through the Department's Senior Outreach Program, consumer protection advocates in 2004 visited 89 senior centers and senior high-rises in 20 Rhode Island cities and towns, distributing more than 2,200 informational packets—an increase of over 55 percent from the previous year.

Additionally, Consumer Protection personnel continued progress in the registration of telemarketers (20) and health clubs (109), collecting a total of the \$7,450 in registration fees to be deposited into the state coffers.

### Significant Litigation in 2004

**Attorney General Patrick C. Lynch v. James H. Alpaio, Jr. d/b/a Crown Furniture, Co.-** This matter concerned Crown Furniture, which accepted money from consumers but failed to deliver the product. The Attorney General issued a civil investigative demand (CID) against the defendant, James Alpaio, and, after a hearing, the parties entered an assurance of voluntary compliance (AVC). By the terms and conditions of the AVC, Alpaio was to make restitution payments to six harmed consumers. When he failed to make the payments, however, the Attorney General filed a motion to adjudge defendant in contempt. A contempt hearing was held before Superior Court Associate Judge Procaccini on March 31, 2004. The defendant, James Alpaio, succumbed to the Attorney General's aggressive posture and agreed to make payments of \$200 per month until the \$3,057.41 was paid to the six affected consumers.

**Attorney General Patrick C. Lynch v. Frank D'Andrea d/b/a Splash, Ltd.-** The Attorney General filed and had served upon the defendant a CID after receiving a complaint that he failed to construct an outdoor

swimming pool after being paid more than \$17,000. After the defendant, Frank D'Andrea, failed to respond to the CID, the Attorney General filed a motion to enforce the CID in Superior Court. This office also filed a motion for a temporary restraining order (TRO), which was continued twice because of the unavailability of defendant's counsel. The matter was heard on January 21, 2004 and Superior Court Associate Judge Procaccini granted the Attorney General's Motion for a TRO.

**Attorney General Patrick C. Lynch v. Conti d/b/a Ristorante Bella Luna-A** CID was properly served upon the defendant, an owner of a restaurant, in order to investigate his refusal to honor gift certificates purchased before he bought the restaurant from a previous owner. The defendant thereafter agreed to honor the gift certificates and to enter an AVC.

**Attorney General Patrick C. Lynch v. Alex Fitness Entertainment, Inc. d/b/a All Star Gym-** Pursuant to the Rhode Island Health Club Act, the Attorney General is charged with registering health clubs and enforcing the provisions of that Act, which includes fire code compliance. In this matter, a CID was issued against the defendant for failing to register with the Department of Attorney General. Further investigation revealed that there was no sprinkler system operating at the health club. The parties entered an AVC in which the defendant complied with all of the provisions of the law, specifically including bonding and fire codes.

**Attorney General Patrick C. Lynch v. Raymond Oliver d/b/a R&L Construction-** The Consumer Protection Unit received a complaint alleging that the defendant, Raymond Oliver, after accepting approximately \$17,000 as a deposit on building a residential home, did no work and bought no materials. The Attorney General issued a CID and, after meeting with the defendant, executed an AVC that included a payment schedule whereby the consumer would be fully repaid. He made three \$500 payments, but was substantially in arrears and this office filed a motion to adjudge in contempt.

**Attorney General Patrick C. Lynch v. John Anderson, alias John Madancy, d/b/a The Piano Shop-** On July 6, 2004, the Attorney General obtained a temporary injunction against the defendant after a hearing before Superior Court Associate Judge Procaccini. A motion for a TRO was filed after an investigation by the Consumer Protection Unit revealed that the defendant had been taking possession of pianos but not repairing or returning them to their owners. Consumer investigators are still working on returning the pianos to their rightful owners.

## ENVIRONMENTAL ADVOCACY UNIT

The Environmental Advocacy Unit continued its community-based mission to protect Rhode Island's environment and the public in 2004. The unit handled a case on remand from the United States Supreme Court, worked on the clean-up of community nuisances, secured numerous court orders forcing landlords to repair property where children had been lead-poisoned, fought for public shore rights, and helped ensure enforcement of the federal Clean Air Act.

The unit's 2004 achievements and projects include the following:

- Joined Attorney's General from other states in several multi-state lawsuits, now advancing toward trial, to reduce air pollution problems that originate from Midwestern U.S. power plants.
- Joined with eight other Attorneys General in suing the power industry to help limit greenhouse gases, which contribute to global warming.

## OFFICE OF HEALTH CARE ADVOCATE

The Office of Health Care Advocate advocates for Rhode Islanders through the following duties that the Attorney General may direct: to appear as an amicus curiae in civil actions; to intervene in or request initiation of administrative action related to health care and health insurance; to investigate complaints to assure the delivery of quality health care; to educate the public; to engage in legislative advocacy; to initiate formal legal actions concerning health care; and to advocate for changes to support quality and affordable health care. Many patients/insurers turn to the Health Care Advocate to assist them with health care issues such as denial of treatment by insurers, cost of treatment, quality and access to health care, and their rights under Rhode Island health care consumer laws. The Health Care Advocate sponsors educational programs to help the public and health care professionals learn about pain management, health care privacy, advance care planning, patients' rights, and patient safety. The advocate drafts health care-related legislation and works with other state agencies to assist Rhode Islanders.

The Health Care Advocate's responsibilities include enforcing the tobacco Master Settlement Agreement (MSA), representing the public interest

- Pressed forward with cutting-edge legal action to force a polluter to pay for the clean-up of a polluted potential water supply and to close shellfishing grounds even though the polluter is the U.S. military.
- Prosecuted an appeal aimed at securing public access to Rhode Island's bountiful natural resources, specifically Newport Harbor.
- Continued its aggressive questioning of a regulatory agency's decision to allow an expansion of a waste facility in a residential section of East Providence.
- Successfully assisted the department's PUC unit in saving the Providence waterfront from unsightly above-ground power lines.

in pharmaceutical litigation, developing policies to improve patient safety at hospitals, health care facilities, and other regulated businesses, and addressing end-of-life issues.

### **2004 Accomplishments:**

- Received one of 12 grants nationally to improve patient safety from the Agency for Health Care Quality and the U.S. Veterans Administration. The grant established the Patient Safety Improvement Corp (RI-PSIC), a collaboration among the Attorney General, Department of Health, Rhode Island Hospital, Kent County Hospital, and Quality Partners of Rhode Island. The RI-PSIC developed an anonymous reporting system for close calls.
- Successfully re-organized the Attorney General Task Force to Improve End of Life Care, consisting of representatives from health care providers, academic medical programs, advocacy groups, government, and religious/spiritual advisers. The task force continued its efforts to improve end of life care, which can include pain management, advance care planning, and hospice care.

## OFFICE OF HEALTH CARE ADVOCATE, CONTINUED



Key contributors in the Civil Division include, left to right: Ana Morel, Michael Field, Adrienne Roy, Jodie Bouquie, Maureen Chynn, Genevieve Martin, and Parisa Beers.

- Took a leadership role in the National Association of Attorneys General End of Life Health Care Working Group, assisting in developing initiatives to improve end of life care.
- Successfully obtained \$44,689,760.72 from the Master Settlement Agreement (MSA) with the tobacco industry.
- Successfully argued that matchbooks are merchandise, even if free; thus, matchbooks are covered by the MSA merchandise prohibition.
- Argued against the release of confidential health care information from the LESS database in *State v. Lead Industry Association Inc. et al.*
- Successfully persuaded a large medical practice to revise its use of confidential health care information and Social Security numbers.
- Successfully negotiated a settlement on behalf of consumers and the state in a Taxol antitrust case, *State of Ohio et al vs. Bristol-Myers Squibb Co.*, in the amount of \$117,579 and injunctive relief.
- Successfully negotiated a settlement on behalf of consumers and the state in a Cardizem antitrust case, *In Re: Cardizem CD Antitrust Litigation*, in the amount of \$77,182 and injunctive relief.
- Completed review and prepared recommendation concerning the Proposed Disaffiliation of Lifespan Corporation and Home and Hospice of Rhode Island, which allowed the two entities to disaffiliate.
- Completed review and prepared recommendation concerning the Proposed Disaffiliation of Lifespan Corporation and VNA of Rhode Island, which allowed the two entities to disaffiliate.

## INSURANCE ADVOCACY UNIT

The Insurance Advocacy Unit's primary function is to represent, protect, and advocate the rights of consumers at insurance rate hearings and in the insurance marketplace, pursuant to R.I. Gen. Laws § 27-36-1. As part of that advocacy, ratepayers turn to the Insurance Advocate to assist them with insurance-related issues, such as demands of payment for treatment by insureds and access to medical treatments and procedures under their policies of insurance, as well as their rights under their policies of insurance and Rhode Island laws. The unit also reviews legislative insurance-related initiatives/proposed legislation and, where warranted, provides testimony before the General Assembly. In addition, the unit provides community outreach, particularly to senior citizens, through activities such as the Medicare + Choice Seminars, the Solutions for Seniors handbook, and Aging 2000. Among other efforts it undertook in 2004, the unit:

**Represented the rights of Rhode Island citizens in connection with 15 rate filings before the Department of Business Regulation (DBR) including:**

1. Blue Cross and Blue Shield of Rhode Island-request to increase the premiums it charges its Direct Pay subscribers as well as its Direct Dental subscribers.

2. Celtic Insurance Company (2 separate rate filings-CelticCare and CelticSaver) both of which were requests to increase the premiums it charges its major medical policyholders.
3. Bankers Life & Casualty Company (3 separate Medicare Supplemental rate filings) in which Bankers sought to increase the premiums it charges its insureds.
4. Medical Malpractice Joint Underwriting Association of R.I. (2 filings), a request to revise its Hospital Experience Rating Plan, which would have had the result of imposing significant rate increases upon its hospital insureds if approved, and a request to increase the premiums it charges for its insured physicians, surgeons, and dentists.
5. Medical Protective Company-a request to increase the premiums it charges its insured physicians and surgeons; Norcal Mutual Insurance Company-a request to increase the premiums it charges its insured physicians and surgeons.
6. ProSelect Insurance Company, (3 separate filings), a request to increase the premiums it charges for its physicians and surgeons Liability coverage, partnerships and corporations Liability coverage, and hospital liability coverage.



## INSURANCE ADVOCACY UNIT, CONTINUED

7. National Council on Compensation Insurance Loss Costs and Rating Values Filing - a request to reduce base premium rates for workers compensation insurance.

**As a result of its intervention and advocacy, the Insurance Unit saved more than \$7.5 million in base premiums for Rhode Island insureds in 2004.**

The unit also undertook and/or continued investigations and/or reviews of various matters affecting the rights of consumers' interests, including:

1. Numerous issues relating to Blue Cross and Blue Shield of Rhode Island, such as its intention to form and operate a Health and Wellness Institute; its decision to give \$21 million to subscribers, physicians, and hospitals as a "pre-minum holiday"; the company's loan of approximately \$600,000 to its president and CEO, as well as his subsequent termination; complaints regarding claims payment and reimbursements to its providers; and the impact of newly-enacted legislation that prohibited payment of compensation to Blue Cross's Board of Directors, pending appointment and confirmation of a Health Insurance Commissioner.

2. The controversy surrounding broker's fee incentives in the procurement and placement of insurance for insureds.

3. Numerous issues relating to UnitedHealthcare and United Behavioral Health (United's mental health and substance abuse contractor) concerning claims payments and provider reimbursement delays by UnitedHealthcare, claims and delays that affect access to care and treatment for insureds, as well as issues specifically related to problems occurring in its provision of mental health and substance abuse treatment under its policies of insurance.

4. Reviewed the circumstances of the termination of retirement health, life, and pension benefits for former Kaiser Aluminum employees and provided the results of that review to Rhode Island House members for their use in assisting their constituents.

5. Reviewed the proposed acquisition of Oxford Health Plans (CT) by United Health Group under the Health Insurance Conversions Act.

6. The Insurance Unit also conducted reviews and, where warranted, provided comments regarding numerous proposed regulations by the Departments of Business Regulation and Health relating to insurance and consumer issues.

## OPEN GOVERNMENT UNIT

Since 1999, the Department of Attorney General has encouraged open government through outreach and education, while fulfilling its statutory responsibility to investigate citizen complaints under the Open Meetings and Access to Public Records Acts. During 2004, the unit received 39 complaints under the Open Meetings Act and issued 24 findings, 14 of which were violations of the law. It also received 25 complaints under the Access to Public Records Act and issued 20 findings, four of which were violations of the Act.

The unit's outreach program continued to provide legal advice to counsel for public bodies and local police departments' records officers on the requirements of the Access to Public Records Act and the Open Meetings Act. Specifically, this outreach included:

- The sixth annual Open Government Summit, which was attended by nearly 300 legal counsel and members of public bodies in August 2004.

- Continued legal advice to police departments and other public bodies to ensure that government remains open and accountable. During 2004, the Department issued nine formal Open Meetings Act advisory opinions. The Department also received more than 150 informal requests for legal guidance on the Open Meetings and the Access to Public Records Acts.
- Continued distribution of pocket-sized Open Government reference manuals.

- Provided individualized training presentations to public bodies and law enforcement agencies.

## PUBLIC UTILITIES REGULATORY UNIT



The Public Utilities Regulatory Unit's primary function is to represent ratepayers and citizens of the state in all matters affecting the provision of public utility services as defined by Title 39 of the Rhode Island General Laws. The primary vehicle for accomplishing this is through the unit's role as legal counsel to the Division of Public Utilities and Carriers (DPUC) which acts as the state's statutory representative of public utility ratepayers in proceedings before the Public Utilities Commission relating to all facets of state regulation of municipal and investor-owned utilities including electric, telephone, water, sewer, natural gas, cable television, and common carriers. In this role, the Attorney General remains the principal vehicle for defending against legal challenges to final decisions of the Commission and the Division. On the federal level, the Attorney General acts as one of the primary representatives of Rhode Island citizens and ratepayers in proceedings before the Federal Energy Regulatory Commission (FERC) involving the transmission of wholesale natural gas and electricity products into Rhode Island and the region.



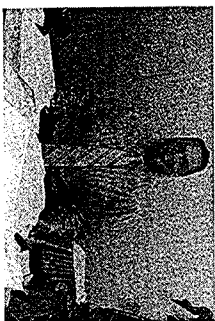
To aid in building his case against the proposed siting of an LNG terminal in Providence, AG Lynch inspected a dredging project in Upper Narragansett Bay.

Due to the important nature of some cases, the Attorney General periodically intervenes separately in proceedings covering a wide spectrum of the various industry segments, including electricity, natural gas, cable television, sewer, and a number of federal cases involving the wholesale electricity market in New England. The resolution of these cases, along with the numerous cases in which the Attorney General's involvement consists of providing legal representation to the DPUC, continues to affect the landscape of public utility services rendered to Rhode Island citizens.

## Unit accomplishments in 2004:

- Led the effort to have high-voltage transmission lines buried along the waterfronts of Providence and East Providence. The lines have to be relocated for the planned relocation of I-195, which is currently under construction by the Department of Transportation. After an intensive fight before the Energy Facility Siting Board, the Attorney General reached a settlement with Narragansett Electric, the City of Providence, and the City of East Providence that forges a strategy to allow for the burial of the transmission lines. Burial of the transmission lines is vital due to the fact that the 1.1-mile section of power lines traverses through three waterfront parks comprising much open space and over land that carries significant potential in terms of future economic development.
- Took the lead role in objecting to two separate proposals to establish liquefied natural gas (LNG) terminals in Fall River and Providence. Both proposals, if approved by the FERC, would necessitate the travel of 930-foot supertankers, carrying 33 million gallons of LNG, up Narragansett and Mount Hope Bays. The Attorney General filed extensive comments with the FERC and the U.S. Coast Guard arguing against the proposals, as well as a petition to the U.S. Department of Transportation seeking promulgation of regulations that would require remote siting of LNG terminals. By the end of the year, the Attorney General had retained several prominent experts to assist the office, including Richard Clarke, the nation's foremost counter-terrorism expert, who agreed to prepare and render a threat analysis for release in early 2005.
- Achieved a multi-year rate settlement with Narragansett Electric Co. that provides for immediate rate reductions to the company's 460,000 customers, as well as a rate freeze for a period of five years. The settlement followed months of investigation and discovery by the Attorney General and the Division of Public Utilities and Carriers, and was ultimately approved by the Public Utilities Commission.

## CRIMINAL DIVISION OVERVIEW



Assistant Attorney General Alan Goulart,  
Chief of the Criminal Division



Members of the State prosecution team  
have devoted thousands of man-hours to  
preparing the State's case. Team members include,  
from left to right: Chris Bush, Assistant Attorney  
General Bill Ferland, Special Investigator  
Roland Conth, and Rob Hamm.

The Attorney General of the State of Rhode Island is constitutionally charged with prosecuting all felony criminal offenses occurring in the State of Rhode Island, all misdemeanor criminal cases brought by State law enforcement agencies, and all misdemeanor cases appealed to the Superior Court. The Criminal Division prosecutes defendants through specialized units focusing on white-collar crime, narcotics and organized crime, firearms offenses, juvenile offenders, domestic violence, sexual assault, and Medicaid Fraud and Patient Abuse. The Division consists of 70 attorneys and 81 support staff, including paralegals, secretaries, victim advocates, investigators, and financial auditors.

Experienced prosecutors review potential cases for felony screening and grand jury presentations, prepare cases for trial, and, with the assistance of victim advocates, personally serve as liaisons to each of the 44 law enforcement agencies in the state, to provide assistance during nights and on weekends.

In 2004, the Criminal Division reviewed 6,050 cases for felony charging and filed informations or indictments with the Superior Court on 5,649 of these cases. Prosecutors handling the pre-arraignment, daily, pretrial, and trial calendars disposed of 5,381 felonies in the Superior Courts statewide. The Division also received 417 new misdemeanor appeal filings and disposed of 441 by way of trials and negotiated pleas.

**The Criminal Division tried 92 cases in 2004 and secured 84 verdicts.** Based on its own trial verdict reports (issued at the time of jury decisions) and including lesser and included charges, the division attained a conviction rate of 68 percent. Fifty-seven of the defendants brought to trial were found guilty and 27 were found to be not guilty of the state's allegations. The juries in six of the cases were unable to reach a verdict, and the trial judges acquitted the remaining two defendants.

Under the leadership of the division's chief, Assistant Attorney General Paul Daly, the Criminal Division focused on increasing training to all prosecutors throughout 2004. As well, the division enhanced its technological support for courtroom presentations by acquiring additional equipment, including document cameras, projectors, projection screens, and laptop computers for each of the county offices. In an attempt to assist the Department's legislative liaisons with efforts to support or oppose legislation, the division established the Standing Committee on Legislation, appointing Assistant Attorney General Alan Goulart, Assistant Attorney General George Page, and Special Assistant Attorney General Christopher

Bush to serve. The goal was to provide the legislative liaisons with direct contacts in the Criminal Division at all times, ensuring that the division had a working knowledge of proposed legislation as well as a level of consistency and preparation from year to year for the bills that might be reintroduced.

**The Criminal Division also launched a Citizens' Prosecution Academy in 2004.** Developed by Deputy Division Chief William Ferland, this program aimed to familiarize Rhode Islanders with the overall operations of the Department of Attorney General and to provide insight into and instruction on the criminal justice system. The program ran weekly for seven weeks and received such enthusiastic and positive feedback that additional sessions were added to meet the demand.

Attorney General Lynch appointed Assistant Attorney General Alan Goulart as chief of the Criminal Division at the end of 2004.

### Significant Trials and Pleas

**East Providence Man Gets Stiffest Sentence Ever Imposed for DWI /Death Resulting Conviction** - Lucy Fonseca, a 48-year-old East Providence resident, was killed after the car she occupied was struck while stopped at a traffic light. Michael Glynn, driving a stolen automobile, hit Fonseca's Ford Taurus, forcing it 138 feet forward until it crashed into a telephone pole. The force of the collision severed Mrs. Fonseca's spine, killing her immediately. Mrs. Fonseca's 14-year-old son, Robert, was thrown from the vehicle and suffered serious injuries to his head and leg. Glynn, who was later found to have a blood alcohol level of .271 percent—more than three times the legal limit—survived with minor injuries only. Assistant Attorney General Matthew S. Dawson handled the case, culminating with Glynn, 41, pleading nolo contendere and being sentenced to 35 years—22 years to serve at the ACI and 13 years suspended with probation.

**Providence Man Found Guilty of Murder in 2002 Beating Death** - Special Assistant Attorneys General Craig Montecalvo and Jim Baum tried the defendant, Jack Ruffner, proving beyond a reasonable doubt that Ruffner attacked and killed the victim, Clarkie Smith, with a table leg. A Providence County Superior Court jury deliberated for three hours before finding Ruffner guilty of one count of second-degree murder in

## CRIMINAL DIVISION OVERVIEW, CONTINUED

connection with the 2002 beating death. Associate Justice Robert D. Krause presided over the six-day trial and later sentenced Ruffner to life imprisonment.

### Jury Convicts Kenneth Day of 2000 Murders of Amy Shute

**And Jason Burgeson** - After deliberating for less than five hours, a Providence County Superior Court jury found Kenneth D. Day, 25, guilty of the June 2000 execution-style slayings of Amy Shute and Jason Burgeson. In addition to the two counts of 1st degree murder, the jury also found Day guilty of seven other counts. Over the course of a seven-day trial before Superior Court Presiding Justice Joseph F. Rodgers Jr., Assistant Attorney General Laura A. Pisano and Assistant U.S. Attorney Gerard B. Sullivan proved that Day robbed, carjacked, and intentionally murdered Shute and Burgeson. Judge Rodgers sentenced Day to four consecutive life terms without chance of parole, plus an additional 30 years.

### Harold Drew Found Guilty of Washington County Murder,

**B&E's** - A Washington County Superior Court jury found Harold T. Drew, 42, guilty of murder, committing a crime of violence with a firearm causing death, and three counts of breaking and entering. The jury deliberated seven hours before convicting Drew, capping a 10-day trial that spanned more than three weeks. Superior Court Associate Justice Edward C. Clifton presided at the trial, during which the state presented 22 witnesses.

The state's prosecutors, Assistant Attorney General Stacey Veroni and Special Assistant Attorney General Kathleen Kelly, proved beyond a reasonable doubt that Drew killed Harold "Jack" Andrews with a 30-30 Marlin rifle—one of several guns that Drew and Andrews had previously stolen from a house in Richmond.

### Jury Convicts Providence Men of New Year's Day 2002 West

**End Murder** - A Providence County Superior Court jury found Yeasna Sin, 21, and Arun Ros, 23, guilty of a New Year's Day 2002 shooting that left one man dead and another paralyzed for life. The jury deliberated three days before convicting the duo, capping a seven-week trial before Associate Justice William A. Dimitri Jr. Assistant Attorney General Randall White and Special Assistant Attorney General Jim Baum proved beyond a reasonable doubt at trial that Sin and Ros, each armed with a semiautomatic weapon,

opened fire into the back of a car on Wendell Street in the West End, killing Heng Ly Say and paralyzing Tony Ngrin. Judge Dimitri later sentenced each of the defendants to two consecutive life terms in prison, plus an additional 20 years to serve.

### New York Man Sentenced to 60 Years for 2003 Providence

**Murder** - Assistant Attorney General David D. Prior and Special Assistant Attorney General Brian Quirk presented the case at trial in October of 2004, when a Providence County Superior Court jury found Raul Vargas guilty on one count of 2nd degree murder for the 2003 murder of 33-year-old Roberto Manuel Adino. Judge Robert D. Krause sentenced Vargas, 32, to 60 years, with 40 years to serve at the ACI and 20 years suspended with probation.

### After 3rd Trial, Providence Man Found Guilty of 1998

**Murder, Assault on Federal Hill** - A Providence County Superior Court jury found Desrie B. Vente, 32, guilty of a June 1998 killing and assault outside of a Federal Hill market. The jury deliberated 11 hours over two days before convicting Vente of murdering Richard Cruso and shooting and wounding Vincent Leonardo, who had fought with Vente earlier. The verdict capped a 10-day trial that was the last of three trials that the state brought against Vente, who had been charged with 2nd degree murder and assault with a dangerous weapon.

### Public official convicted of corruption-related charges - The

division's White Collar Crime Unit handled many of the embezzlement, insurance fraud, workers' compensation, and public corruption cases, including a case in which the executive director of the Rhode Island Board of Elections was charged with obtaining money under false pretenses. Robert Fontaine, while employed in this position, misappropriated more than \$12,000 in payroll, paying his daughter and brother for hours they did not work. Fontaine resigned from his position in November of 2004 after having been suspended with pay from the \$91,500-a-year job. He pleaded nolo to the charges of obtaining money under false pretenses, was sentenced to five years suspended with probation, and was ordered to make restitution in the amount of \$12,175. Assistant Attorney General Patrick Youngs handled this prosecution.



Assistant Attorneys General  
Scott Erickson and Stacey Veroni



Criminal Division prosecutors include, left to right: Brian Quirk, Laura Pisano, Jim Duke, Pamela Chin, Roger Deniers, Jack MacMahon, Kurt Muller, Stacey Veroni, Jay Sullivan, Molly Kapstein, Bonitsky, Denise Choquette, Kelly McElroy, Felix Gill, Mark Benjamin, and Matt Dawson.

## ADULT DIVERSION UNIT

Established in 1976 as an alternative to prosecution for first-time non-violent felony offenders, the Adult Diversion Unit enables qualifying offenders to accept responsibility and be held accountable for their actions while avoiding the stigma of a criminal record. It is administered at the Attorney General's discretion. Diversion allows offenders the chance to earn the dismissal of criminal charges by participating in drug treatment and mental health programs, providing community service at non-profit agencies, and paying restitution to the victims of their crimes.

In 2004, unit members handled 749 referrals, accepted 315 cases, and completed 271 cases. The unit also collected and returned to crime victims \$110,000 in restitution. Using last year's mini-

mum wage of \$6.75 per hour, the value of the 6,838 hours of community service work arranged by the unit resulted in \$46,156 worth of free labor provided to non-profit agencies. In many instances, this additional help enabled agencies to provide services or tackle projects that normally would not have been done using regular paid employees.

The Adult Diversion team initiated counseling programs for 202 individuals in 2004. These individuals received treatment for substance abuse, mental health difficulties, and gambling addiction issues. Many of these individuals would not have accessed treatment were it not for the stipulated conditions of their individual participation agreements with the diversion program.

## APPELLATE UNIT

The Rhode Island Attorney General's Criminal Appeals Unit represents the state in all criminal matters before the Rhode Island Supreme Court, defends state judgments of conviction from challenges by the federal court (called Habeas Corpus petitions), and assists prosecutors and other members of the Department with legal research support and analysis. In carrying out these responsibilities, the members of the unit—five attorneys, assisted by an administrative assistant and a librarian—work diligently to persuade the members of the Supreme Court, and of the relevant federal judiciary, of the righteousness of the state's cause in the many cases and matters that come before them during a given term.

During 2004, the unit filed 39 pre-briefing statements and 23 full briefs with the Rhode Island Supreme Court, defending judgments (usually of conviction) favorable to the state entered in the lower courts (usually the Superior Court). In practically all of these, appellate attorneys also made oral arguments to the court. The unit also filed 23 responsive memoranda with the court in opposition to some defendant-requested extraordinary action—for example, petition for Writ of Certiorari, petition for Writ of Habeas Corpus, etc. Additionally, the unit defended against seven petitions for federal Writ of Habeas Corpus brought in the U.S. District Court for the District of Rhode Island. Finally, the unit filed pre-briefing or full briefs in nine cases in which the Attorney General challenged an unfavorable Superior Court determination.

In total, the unit submitted substantive written memoranda in

101 cases, ranging from a highly complex appeal from a weeks'-long capital trial to a patently meritless pro-se submission. Members of the unit also involved themselves in a number of the Attorney General's important legislative initiatives, by researching and drafting legislative bills, letters, and background analysis, and by testifying before the General Assembly on a number of occasions.

In 2004, the Appellate Unit enjoyed considerable success, with the Rhode Island Supreme Court affirming 30 of the 33 judgments of conviction that the unit defended against (a success rate of approximately 91 percent); six of the seven adjudications of probation violation on which it advocated; two out of the three judgments denying post-conviction relief, and two out of the three other miscellaneous defendant appeals that came before it. The court this past term also upheld all three of the state's appeals/certiorari requests initiated by the state, and denied all but two of the 25 miscellaneous extraordinary petitions brought by criminal defendants.

During this same time period, the unit succeeded in either having denied outright or stayed every one of the 19 Habeas Corpus petitions brought to the U.S. District Court for the District of Rhode Island by state-convinced inmates. As well, the unit successfully litigated both of the federal Habeas Corpus cases it briefed in the U.S. Court of Appeals for the First Circuit.

## COMMUNITY PROSECUTION UNIT

The calendar year 2004 marked an active year for the Community Prosecution Unit. Consisting of a community prosecutor, Jim Baum, a crime-prevention specialist, Moses Sayge, and a paralegal, Claudia Cardona, this unit employed both traditional and non-traditional prosecution strategies and engaged in community outreach and crime prevention education. The unit continued to devote much of its time to serving as a resource for gang-related issues. The crime-prevention specialist met regularly with officials from the Rhode Island Training School to gather information on juvenile gang trends both inside and outside the facility. As a former employee of the Rhode Island Training School, Moses Sayge was able to use his unique background to relay information to the community prosecutor as well as prosecutors in the juvenile Unit to assist investigations and prosecutions.

In addition to gathering information, unit members traveled to schools to lecture students and teachers about gangs, observe clothing worn by students, and inspect graffiti found in and around the school grounds. In one case, a Providence school had concerns about gang graffiti found in its bathrooms. After an inspection, it was determined that the graffiti was not gang-related, and unit members were able to educate the school officials about the warning signs of gang-related graffiti.

The centerpiece of the unit's crime-prevention efforts in 2004 was its statewide school visit program. One-upping his pledge to visit one Rhode Island school a week during the school year, Attorney General Lynch visited two schools a week (primarily elementary and middle schools) and spoke to approximately 8,000 children. At each visit, AG Lynch talked about two important issues—truancy and bullying.

The Community Prosecution Unit continued to collaborate as a partner in the Project Safe Neighborhoods (PSN) program administered by the Rhode Island United States Attorney's Office. Drawing on the successes of its community prosecution model used in Providence's West End and

Mount Hope neighborhoods, the unit initiated three programs in the PSN-designated areas of Upper and Lower South Providence.

First, unit members participated in regular community engagement meetings, outreach meetings, and crime watch meetings with residents and businesses of these areas. The community prosecutor met with every elementary school principal in the PSN-designated area to listen to their concerns about youth violence. As a result of one such meeting, the unit, with the assistance of Narragansett Electric Co., was able to increase the brightness of all the streetlights surrounding the block on which the school stands. Another example of such outreach was a live one-hour cablecast television show concerning gun violence that was broadcast to Rhode Island schools.

The unit also continued to refer problem properties to the Attorney General's Nuisance Task Force. Unit members worked closely with residents, landlords, the Nuisance Task Force, and Providence Police to reduce street-level drug dealing at a major intersection in the PSN area and met with local university officials to formalize policies for the handling of student housing problems.

The unit also continued to employ its Full Court Press program in the PSN-designated area. This program unites unit members with staff from the U.S. Attorney's Office, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, the Providence Police, Providence Probation and Parole, and the Adult Correctional Institution. Meeting regularly, the group monitored and identified 15 repeat offenders in the PSN-designated area. This collaboration led to the arrest and prosecution of three of these offenders in 2004.

Crime in the PSN area decreased in 2004 from levels in 2003—an across the board decrease in major crime including but not limited to murder, burglary, larceny, motor vehicle theft, and robbery with a firearm, according to The Providence Plan.

## DISTRICT COURT UNIT



Attorney General Lynch swore in two new prosecutors at an October 2004 ceremony. Special Assistant Attorneys General Karen Lyons and Michelle DelBello.

The District Court Unit in Providence County prosecutes certain criminal matters brought forth in the Sixth Division District Court and the Rhode Island Traffic Tribunal (RITT). It handles bail hearings (which are required for any defendant who is held without bail according to Rhode Island General Laws and the Constitution, Article 1 Section 9), violation of bail and probation hearings, and all pre-trial and trial matters brought by the Rhode Island State Police and various state law enforcement agencies.

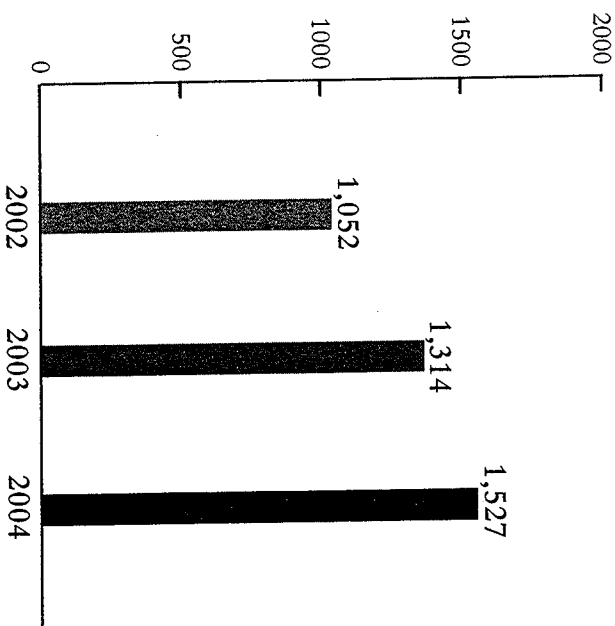
The Sixth Division District Court Unit also prosecutes all driving under the influence (DUI) Breathalyzer refusal cases and all " .08 cases" that are brought before the RITT. By statute, all DUI refusal violations issued in Rhode Island are adjudicated in the Traffic Tribunal in Providence. In 2004, the District Court Unit handled 1,527 refusal/default hearings referred to it for prosecution, an increase of 213 over 2003.

The District Courts traditionally are the busiest courts in the judicial system. In 2004, this unit reached disposition in 1,882 cases. It represented the state in 484 bail hearings, 1,070 violation hearings, and 376 pretrial conferences and trial matters for Rhode Island law enforcement agencies.

## DOMESTIC VIOLENCE/SEXUAL ASSAULT UNIT

In 2004 the Domestic Violence/Sexual Assault Unit continued its progress and efforts toward addressing violence against family and household members throughout Rhode Island. In addition to felony trials and misdemeanor appeals in the Superior Court, prosecutors in the DV/SA Unit handled bail hearings, violation hearings, and motions to reduce or set bail, and regularly argued against victims' motions to vacate no contact orders with offenders. The unit also conducted time-intensive investigations into charged and unchanged criminal complaints, including field investigations and presentations to both the Providence and Statewide Grand Juries. **Victim safety and offender accountability remained the unit's utmost goals.**

RHODE ISLAND'S  
DUI REFUSAL RATES



The DV/SA Unit Chief, Assistant Attorney General Stephen J. Ryan, along with participating police departments and the Sexual Assault and Trauma Resource Center of Rhode Island (SATRC), coordinated the interviews of adult women who were victims of sexual assault. This process mirrors the approach taken to interviewing child victims of sexual assault/molestation at the SATRC's Child Advocacy Centers. Unit members also led trainings at local police departments and police academies as well as with peer prosecutors and with statewide town and city solicitors.

## DOMESTIC VIOLENCE/SEXUAL ASSAULT UNIT, CONTINUED

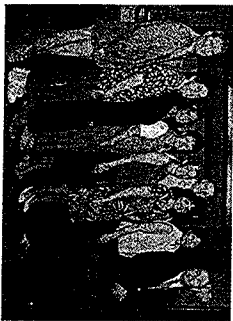
### Notable Dispositions in 2004

State v. Sonny Fortes:	Burglary and Sexual Assault (Dom)	30 years, 20 years to serve
State v. Glenn Souza:	Kidnaping/Dom ADW	20 years, 7 years to serve
State v. David Desjardais:	ADW Domestic	20 yrs, 7 years to serve
State v. Ronald O'Dell:	Simple Assault, Domestic 3rd Offense	10 years, 1 year to serve, 9 years suspended with probation Convicted at trial with only photographs and excited utterances of the victim, who failed to show at trial.

As well, unit members helped organize and administer the Attorney General's Task Force to End Sexual Violence and the Attorney General's Domestic Violence Task Force, through which a subcommittee was formed to work on clarifying and fixing problems relating to the RONCO system. This task force, which met quarterly, includes stakeholders from the courts, probation,

Department of Corrections, advocacy groups, and police departments. The unit also participated in monthly meetings with the Providence Police chief and his staff to better coordinate the respective approaches to police reporting, victim/witness notification, and preparation.

## INTAKE UNIT



*Felony cases originating in Providence County form about three-fifths of the thousands of cases handled annually by the Attorney General's Office. Key contributors in the Providence County Intake Unit are, from left to right: Bob McKenna, Christine Singleton, Carolyn Botelho, Maureen Lavery, Anne Petanca, Paul Senna, Cheryl Abowitz, Lori Benkhart, and the Unit Chief, Assistant Attorney General George Page.*

The Intake Unit was established in order to effectively integrate the Providence County grand jury, felony screening, information charging, and pre-arraignment prosecution units. This consolidation, combined with the judgement of the Intake Unit Chief, Assistant Attorney General George Page, and the seasoned and experienced prosecutors who rotate through this unit, resulted in more rigorous case review, improved charging decisions, and better case preparation by police departments.

In 2004, the grand jury unit's review process screened out 27 percent of those cases, allowing the grand jury to

address more substantive cases. In 2004 Providence County Grand Juries reviewed 313 cases and returned indictments against 147 defendants. Also during 2004, 4,414 files were received and reviewed by the Information Charging Unit. Screening prosecutors applied a higher standard of case review, which resulted in a significant number of "No Information" decisions and ensured the legitimacy of the felony cases that they did charge.



## JUVENILE PROSECUTION UNIT

The Juvenile Prosecution Unit prosecutes all juveniles charged with offenses that would constitute felony offenses if committed by an adult. The unit also prosecutes all juveniles who are charged by the Rhode Island State Police and all juveniles who are charged with violations of probation. A juvenile is an individual who is under the age of 18 years old. **In 2004, the unit received 3,604 new petitions, approximately 300 more petitions than in 2003.** The unit also prosecuted 60 juveniles for school violence cases. The unit also prosecutes adults who commit child abuse, child abandonment, child neglect, exploitation of a minor, and failure to pay child support.

The Department continued with its grant from the Justice Commission for a Juvenile Drug Court prosecutor. In 2004, 100 delinquent petitions were referred to Drug Court, with 86 juveniles successfully completing the program. This resulted in their "graduation" from the program and dismissal of their charges. There were also 105 wayward petitions referred to Drug Court. Although this Department is not responsible for wayward petitions, we assisted the Court with many of them.

In addition to prosecuting cases, the Juvenile Prosecution staff is involved in the community educating students and the public about juvenile laws and prosecution. Staff also serves on various committees and task forces pertaining to juvenile and child abuse issues, such as the Governor's Juvenile Justice Advisory Commission, Children's Justice Task Force, and Kids Court.

### Waivers

The Juvenile Prosecution Unit in 2004 filed one mandatory waiver motion and 16 discretionary waiver motions. The mandatory waiver involved a juvenile charged with 1st degree sexual assault and was waived after hearing. Twelve juveniles were waived pursuant to a discretionary waiver.

### Trials

In 2004, the Juvenile Prosecution Unit tried 20 juveniles and won 11 of the cases. Three juveniles pleaded after trial had commenced.

### Probable Cause Hearings

In 2004, the unit conducted 24 probable cause hearings.

### School Violence Cases

In 2004, the unit prosecuted 60 juveniles for school violence cases. This number does not include the wayward cases that are handled by individual cities and towns. Most of the charges in the schools involved possession of a weapon (knife) on school grounds and assaults on teachers. There was also an increase in students bringing BB guns to school and, consequently, being charged with possession of a firearm on school grounds.

### Significant Cases

**Brandon Spear.** The State filed a motion to waive on June 17, 2003, for an incident in Warwick where Spear, along with three adult co-defendants, committed a robbery. Spear, wearing a mask, went into Apponaug Shellfish, pointed a .38 caliber at the victim, took his money, and then hit him on the head with the gun while others acted as the lookout. He was waived after a hearing on April 8, 2004. He pleaded nolo contendere in Superior Court on May 13, 2004, to 1st degree robbery and conspiracy. Spear received a sentence of 15 years with six years to serve and nine years suspended with probation.



*Juvenile Prosecution Unit members, from left to right, include: Kevin Hagan, Andrew Mancigrosso, Kathleen Coshikley, Linda Barr Izze, Karen Lyons, Unit Chief, Assistant Attorney General Susan Urs, and Tom Wirth.*

## MEDICAID FRAUD AND PATIENT ABUSE

The Medicaid Fraud and Patient Abuse Unit (MFPAU) enforces the laws pertaining to fraud in the state Medicaid program and prosecutes cases of abuse, neglect, or mistreatment of patients in all state health care facilities. The MFPAU's attorneys, auditors, investigators, and health care professionals employ a multi-disciplinary approach to combat health care fraud and patient abuse. The MFPAU prosecutes criminal activity, pursues civil remedies where appropriate, and participates with federal and state authorities in a variety of inter-agency investigations and administrative proceedings.

In 2004, the MFPAU received 1,346 complaints from the Department of Health regarding quality of care, drug diversions, and patient abuse and neglect. After initial screening, 99 of those cases led to full investigations by the unit. By the end of the year, 13 of those cases resulted in criminal charges.

In 2004, the MFPAU secured more than \$1 million in provider overpayments and judgments for criminal and civil restitution, fines, and costs. This amount marks the third consecutive year that the unit has increased its financial recoveries for the Rhode Island Medicaid program. The unit also received more than \$1 million in global settlement funds from lawsuits against pharmaceutical companies. The MFPAU patient abuse investigators also performed 74 in-service trainings at nursing facilities regarding the laws governing abuse, neglect, and drug diversion.

Assistant Attorney general Cindy Soccio is the chief of the Medicaid Fraud and Patient Abuse Unit.

## NARCOTICS & ORGANIZED CRIME UNIT

The Narcotics and Organized Crime Unit has three primary areas of responsibility: investigative management and prosecution of all criminal cases involving narcotics and organized crime offenses, handling all aspects of asset forfeiture, and representing the State of Rhode Island in the Providence County Adult Drug Court. The NOC Unit consists of a unit chief, Assistant Attorney General Stacey Veroni, five attorneys, an asset forfeiture coordinator, two paralegals, and one secretary.

In the area of narcotics prosecution, the members of the unit are responsible for representing the State of Rhode Island in court for various trials, pre-trials, and violation and bail hearings. The unit's attorneys are also responsible for drafting and editing paperwork related to the electronic surveillance of targeted offenders, the management and oversight of electronic surveillance investigations, providing legal advice and assistance to police departments, working with law enforcement on the investigation of narcotics-related activity, and presenting narcotics-related cases to the county and statewide grand juries.

In addition to prosecuting all organized crime-related cases before petit juries throughout Rhode Island, the unit works closely with the police on both traditional and nontraditional organized crime-related cases. The unit provides document support and case management on electronic surveillance cases involving organized crime figures and works with police and other members of the criminal justice system to develop cooperating witnesses and informants.

The attorneys assigned to the NOC Unit also prosecute a variety of other criminal offenses. In 2004 the members of the unit were responsible for cases involving murder, drunk driving resulting in death, robbery, burglary, and sexual and domestic assaults. **Due to the close relationship between the prosecution of narcotics-related offenses and the use of firearms, the**

**unit is responsible for a large portion of the cases prosecuted before the Providence Superior Court's Gun Calendar.** Additionally, one member of the unit, Special Assistant Attorney General James Dube, is responsible for the coordination of firearms prosecution between state and federal authorities, meeting with the United States Attorney's Office bi-monthly to review all firearms cases and to determine which jurisdiction is most appropriate to bring charges.

In 2004 the NOC Unit also continued to represent the State of Rhode Island before the Providence Superior Court's Adult Drug Court, a special court that handles cases involving drug-addicted offenders through an extensive supervision and treatment program.

The unit's prosecutors tried 11 cases to verdict in the Superior Court. Seven of those cases resulted in guilty verdicts.

### Wiretaps

Electronic surveillance was instrumental in many cases prosecuted in 2004. The Attorney General submitted three separate applications for the interception of wire communications. The Presiding Justice of the Superior Court authorized each request. One of the wiretaps involved a series of investigations run by the Rhode Island State Police and the Federal High-Intensity Drug Area Task Force that targeted a major statewide narcotics distribution network. That investigation resulted in a significant number of arrests and the seizure of more than 10 kilograms of cocaine. Another involved members of the State Police working with the Federal Bureau of Alcohol, Tobacco, and Firearms and agents of the Drug Enforcement Administration. It targeted a motorcycle gang involved in the distribution of narcotics and the illegal trade of firearms.

## NARCOTICS & ORGANIZED CRIME UNIT, CONTINUED

### Asset Forfeitures

The NOC's asset forfeiture coordinator, Steven Falvo, is responsible for processing and in many cases litigating all narcotics, gambling, and racketeer-related asset forfeiture requests. These forfeiture requests involve money, personal property, and/or real estate. Proceeds from the sale of the forfeited assets represent an important source of financing for the ongoing drug and crime suppression efforts of state and local police.

The Asset Forfeiture Unit opened 400 claims in 2004 that resulted in the forfeiture of nearly \$1.2 million worth of cash and property. These monies were distributed to local and state law enforcement agencies, the Department of Attorney General, and the Department of Mental Health, Retardation and Hospitals (MHRH) for law

**enforcement purposes.** Pursuant to the statutory formula for forfeiture distribution, more than \$60,000 of drug distributors' assets was turned over to MHRH for use in combating drug abuse. More than \$425,000 was recovered for police departments to use in investigating criminal activity.

### Community Outreach

Members of the NOC Unit also took the anti-drug/anti-crime message to the community, working to educate community groups about the latest information on drug trafficking. Unit members visited schools, gave presentations on gang-related violence to college groups and organizations, taught classes, and participated in the review and selection of the 2004-2005 class of recruits for the Providence Police Department.

## VICTIM SERVICES UNIT

The members of the Victim Services Team provide a comprehensive program of services to felony crime victims and their families. Advocates are assigned to victims and their families for guidance and support through the court process, informing them of their rights, notifying them of the status of their cases, assisting them in court, and helping them to better understand and participate in the legal process. In addition, the unit provides referrals to other agencies and support groups that can provide further assistance with financial, legal, medical, or emotional problems resulting from the crime.

In 2004, the team handled approximately 4,000 cases and generated more than 15,000 status notices to victims. In providing personal support, advocates accompanied victims to more than 1,000 court proceedings and interviews. Over 600 referrals were made to other agencies for further assistance and more than 3,700 telephone contacts were made on victim matters. Personal contacts with victims and witnesses numbered around 4,000.

In performing these services, the unit staff worked closely with highly traumatized victims and families in homicide, driving death, child molestation, sexual assault, and domestic violence cases as well as other felony cases, answering questions, overcoming fears, explaining court procedures, sharing

concerns, and accompanying victims to court. In 2004, the unit began assisting the Medicaid Fraud and Patient Abuse Unit on all victim-related matters.

The unit continues to operate the Inmate Release Notification Program in which victims of felonies are notified of an inmate's post-conviction release from the Adult Correctional Institution. In 2004 the unit notified 1,417 victims.

The unit has an "on call" system for advocates to work with police departments and prosecutors on homicide cases, with a goal to establish contact with the victim's family within 24 hours. Two advocates are on call at all times. Information on victims' compensation, support services, and case status are made available to each family. There is also a weekend rotation system so that the "on call" prosecutor has an advocate available to them as well.

The Victim Services Team continued to provide services to Spanish-speaking victims in their native language with forms, brochures, and letters. There is also a Spanish-speaking advocate. Also in 2004, team members received specialized training on domestic violence, child molestation/sexual assault, elder abuse, and child support enforcement in an effort to better serve diverse victim populations.

### Departmental Library

The Department of Attorney General's library, consisting of an extensive print collection, functions as a research resource for attorneys and other staff. To increase efficiency and cost saving, library staff cancel subscriptions, and other information resources once these resources become available online. As a member of the RHEINNET, the Rhode Island state library network, the Department is able to borrow materials from other libraries.

# SUPERIOR COURT CASE STATISTICS

COUNTY	FILED			TOTAL	DISPOSED			ACTIVE PENDING		
	MISD	FELONY	TOTAL		MISD	FELONY	TOTAL	MISD	FELONY	TOTAL
KENT COUNTY	128	673	801		130	656	786	6	205	211
NEWPORT COUNTY	44	304	348		78	387	465	5	40	45
WASHINGTON COUNTY	70	417	487		66	363	429	10	128	138
PROVIDENCE COUNTY	159	4255	4414		168	3975	4143	76	1939	2015
STATEWIDE	401	5649	6050		442	5381	5823	97	2312	2409

## AGE AT DISPOSITION

COUNTY	LESS THAN 90 DAYS		91-180 DAYS		181-270 DAYS		271-360 DAYS		OVER 360 DAYS	
	MISD	FELONY	MISD	FELONY	MISD	FELONY	MISD	FELONY	MISD	FELONY
KENT COUNTY	122	449	5	109	1	46	0	23	2	29
NEWPORT COUNTY	44	208	5	40	10	14	4	10	15	115
WASHINGTON COUNTY	54	250	6	56	3	32	2	8	1	18
PROVIDENCE COUNTY	57	2073	64	710	28	453	8	269	11	506
STATEWIDE	277	2980	80	915	42	545	14	310	29	668

## MANNER OF DISPOSITIONS - FELONIES

COUNTY	GUILTY	NOT GUILTY	NG/FILING	PLEA	DISM 48A	DISM JA	HUNG	MISTRIAL	OTHER	WAIVER
KENT COUNTY	3	3	0	609	34	0	0	0	1	NA
NEWPORT COUNTY	2	6	0	271	108	0	2	0	0	NA
WASHINGTON COUNTY	4	2	1	308	48	1	1	0	0	NA
PROVIDENCE COUNTY	30	17	6	3571	348	1	3	3	0	NA
STATEWIDE	39	28	7	4759	538	2	6	3	1	NA

## MANNER OF DISPOSITIONS - MISDEMEANOR APPEALS

COUNTY	GUILTY	NOT GUILTY	NG/FILING	PLEA	DISM 48A	DISM JA	HUNG	MISTRIAL	OTHER	WAIVER
KENT COUNTY	0	4	0	115	11	0	0	0	0	NA
NEWPORT COUNTY	0	0	6	42	30	0	0	0	0	NA
WASHINGTON COUNTY	0	1	0	42	22	0	0	0	1	NA
PROVIDENCE COUNTY	5	5	3	111	44	0	0	0	0	NA
STATEWIDE	5	10	9	310	107	0	0	0	1	NA

## MANNER OF DISPOSITIONS - STATEWIDE TOTALS

COUNTY	GUILTY	NOT GUILTY	NG/FILING	PLEA	DISM 48A	DISM JA	HUNG	MISTRIAL	OTHER	WAIVER
KENT COUNTY	3	7	0	724	45	0	0	0	1	NA
NEWPORT COUNTY	2	6	6	313	138	0	2	0	0	NA
WASHINGTON COUNTY	4	3	1	350	70	1	1	0	1	NA
PROVIDENCE COUNTY	35	22	9	3682	392	1	3	3	0	NA
STATEWIDE	44	38	16	5069	645	2	6	3	2	NA



## Department of Attorney General

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### DEPARTMENT OF ATTORNEY GENERAL

#### Kent County Courthouse

222 Quaker Lane  
Warwick, RI 02886  
Tel: 401-822-2710

#### Newport County Courthouse

45 Washington Square  
Newport, RI 02840  
Tel: 401-841-8310

#### Providence County Courthouse

250 Benefit Street, 2nd Floor  
Providence, RI 02903  
Tel: 401-274-4400

#### Washington County Courthouse

4800 Tower Hill Road  
Wakefield, RI 02879  
Tel: 401-782-4150